



**Ohio Elections Commission**

30 East Broad Street, 14th Floor

Columbus, Ohio 43266-0418

(614) 466-2585

October 19, 1992

ADVISORY OPINION NO. 92-3

SYLLABUS: Chamber of commerce dues may be paid with campaign fund monies if the dues are a legitimate, verifiable, ordinary and necessary expense incurred in connection with the duties of the holder of a public office.

TO: Yvonne E. Simon

You have requested an advisory opinion on the following question:

May a city council member who is economic development chairman for the city use campaign funds to pay membership dues in the city chamber of commerce?

Ohio Revised Code, Section 3517.13 (O) provides in pertinent part:

No beneficiary of a campaign fund shall convert or accept for personal or business use, and no person shall knowingly give to a beneficiary of a campaign fund, for the beneficiary's personal or business use, anything of value from the beneficiary's campaign fund, including, without limitation, payments to a beneficiary for services the beneficiary personally performs, except as reimbursement for any of the following:

...

2. Legitimate and verifiable, ordinary, and necessary prior expenses incurred by the beneficiary in connection with duties as the holder of a public office, including, without limitation, expenses incurred through participation in nonpartisan or bipartisan events where the participation of the holder of a public office would normally be expected...

In past opinions, this Commission has interpreted "legitimate" to mean true or valid in the sense that the expenditure is truly related to a duty of a public office or one of the other categories set forth in Revised Code, 3517.13(O). See Advisory Opinion No. 87-13. Some expenditures are clearly

related to the duties of an officeholder. Other expenditures, however, are not as easily classified. In such cases, the question of whether the expenditure is legitimately related to being an officeholder should be analyzed in part by using a "but-for" test and in part by using an objective test. Specifically, but for the fact the person is an officeholder, would he be making such an expenditure? In addition, is the expenditure reasonable and relevant?

In addition to being legitimate, if the expenditure is made in connection with the duties of a public officeholder, it must also be ordinary and necessary. These terms have been interpreted by this Commission to mean customary, usual, appropriate and helpful to accomplishing a particular end. See Advisory Opinion 87-4.

An expenditure for chamber of commerce dues is legitimate since it is truly related to the duties of a city council member and city economic development chairman. In addition, a chamber of commerce membership is appropriate and helpful to the duties of a city council member and economic development chairman.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that:

Chamber of commerce dues may be paid with campaign fund monies if the dues are a legitimate, verifiable, ordinary and necessary expense incurred in connection with the duties of the holder of a public office.

  
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Michael H. Igoe,  
Acting Chairman